



DECLARATION FOR PATENT APPLICATION

As the below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled REPLACING LIVER CELLS WITH BONE MARROW-DERIVED CELLS FOR TREATING DISEASE AND EXPRESSING THERAPEUTIC GENES, the specification of which

_____ is attached hereto as Attorney Client-Matter No. _____).

XX was filed on July 9, 2003
as Application Serial No. 10/616,690
(Attorney Client-Matter No. 66733-033)

and was amended on (or amended through) _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It

Inventor: Roger A. Davis
Serial No.: 10/616,690
Filed: July 9, 2003
Page 2

establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

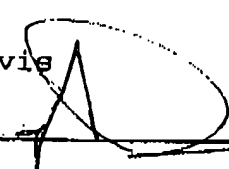
<u>Application Serial NO.</u>	<u>Filing Date</u>	<u>Status</u>
60/394,569	July 9, 2002	Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

Inventor: Roger A. Davis
Serial No.: 10/616,690
Filed: July 9, 2003
Page 3

jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Roger A. Davis

Inventor's signature: 

Date: 6/28/2004

Residence: Solana Beach, California

Citizenship: United States of America

Mailing Address: 210 South Nardo
Solana Beach, California

SOLE

ASSIGNMENT

This Assignment is made by Roger A. Davis of Solana Beach, California, Assignor, to San Diego State University, Assignee, having a place of business at 5250 Campanile Drive, San Diego, California.

WHEREAS, Assignor has invented a new and useful REPLACING LIVER CELLS WITH BONE MARROW-DERIVED CELLS FOR TREATING DISEASE AND EXPRESSING THERAPEUTIC GENES for which an application for United States Letters Patent was filed on July 9, 2003, in the United States Patent and Trademark Office, bearing Serial No.10/616,690 and identified as Attorney Client-Matter No. 66733-033;

WHEREAS, Assignor believes that Assignor is the original inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor sells, assigns, and transfers to Assignee, the entire right, title, and interest in and to said invention, said application, any applications entitled to benefit of priority to said application under Title 35, United States Code, Sections 120, 121 or 251, which include divisionals, continuations and reissues, and any Letters Patent that may be granted on said invention or these applications and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, Assignor and Assignor's legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United

Inventor: Roger A. Davis
Serial No.: 10/616,690
Filed: July 9, 2003
Page 2

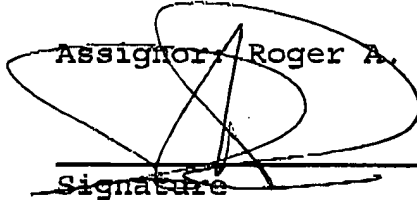
States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that Assignor has not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignor authorizes and requests that any United States or foreign Letters Patent granted for said invention, whether on said application or on any subsequently filed divisional, continuation or reissue application, be issued to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

Inventor: Roger A. Davis
Serial No.: 10/616,690
Filed: July 9, 2003
Page 3

IN WITNESS WHEREOF, Assignor has executed this
Assignment on the date(s) provided below.

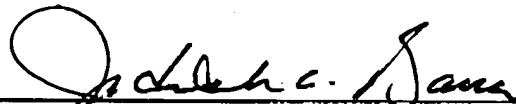
Assignor: Roger A. Davis


Signature Date 6/23/04

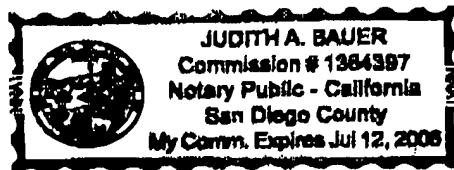
STATE OF California)
COUNTY OF San Diego)

On June 23, 2004, before me, Judith A. Bauer
personally appeared Roger A. Davis,
X personally known to me - OR - _____ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.



(Signature of Notary)





STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: REPLACING LIVER CELLS WITH BONE
MARROW-DERIVED CELLS FOR TREATING
DISEASE AND EXPRESSING THERAPEUTIC
GENES

Application Ser. No.: 10/616,690

Filed: July 9, 2003

Inventor(s): Roger A. Davis

Attorney Client-Matter No.: 66733-033

SAN DIEGO STATE UNIVERSITY FOUNDATION, a NON-PROFIT ORGANIZATION, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

Date: 10/10/03

Signature: Steve A. Bloom

Name: Steve Bloom

Title: Chief Operating Officer